Petersine v. *Thomas,* 28 Oh. St. 596; *Tuska* v. *O'Brien,* 68 N. Y. 446. The difficulty comes only in the specific application of the rule. The principal case holds that the former suit adjudicated only the sum due on the note, *Drake* v. *Bush,* 57 Ga. 180, and decided nothing as to the homestead waiver. In *Dewey* v. *Peck,* 33 Ia. 242, the court said, "Where a party failed to plead matters which he might have pleaded in defence of an action, he will not * * * afterwards be permitted to set them up in avoidance of the judgment or of the title to property acquired at execution sale thereunder." Here the court seems to proceed on the basis of policy. These two cases may represent the limits of the application of the rule as to estoppel. For an extensive review of the whole subject, see BLACK, JUDGMENTS, § 693 *et. seq.*

MARRIAGE—WHAT LAW GOVERNS THE STATUS OF.—Libelee was domiciled in Turkey, and was an adherent of the Christian religion. He married a wife, who was also a Christian, and lived with her in Turkey. In 1902 he came to Massachusetts, leaving his wife in Turkey, with the intention that after having made some money he would return to his home country. He supported his wife by sending her money for about four years, when he learned that she had married a Mohammedan and had become a follower of that religion. Libelee then formed the intention of making his permanent home in Massachusetts, and two years later, he was married to libelant in that State. When libelant discovered the facts outlined above, she ceased to live with libelee, and now brings this petition to have their marriage declared null and void. It is the law of Turkey that, when a wife renounces Christianity, and embraces Mohammedanism and marries an adherent of that faith, that act of itself works dissolution of the former marriage. *Held,* the law of the domicile of the parties controls the status of marriage, and as by the law of Turkey libelee's former marriage was dissolved, he was therefore competent to contract a marriage with libelant. *Kapigian v. Der Minassian* (Mass. 1912) 99 N. E. 246.

The law laid down in the principal case is undoubtedly correct; *Haddock* v. *Haddock,* 201 U. S. 562; *Kinney* v. *Com.,* 30 Gratt. (Va.) 585; *Shaw* v. *Gould,* L. R. 3 H. L. 56. The peculiarity of the decision lies in the facts presented. It is not the recognition of a decree of a foreign court of competent jurisdiction, but it is the recognition of the law of a foreign nation which says that a mere act of one of the parties shall work a dissolution of the marriage. Similar situations have been presented relative to the Indian tribes: it has been held that the tribes have full authority to regulate their domestic relations, especially the status of marriage, according to their own peculiar customs, and such customs will be recognized as valid everywhere and for all purposes. *Yakima Joe* v. *To-Is-Lap* (1910) 191 Fed. 516; *Wall* v. *Williamson,* 8 Ala. 48; *Kobogum* v. *Jackson Iron Co.,* 76 Mich. 498, 43 N. W. 602; *Kalyton* v. *Kalyton,* 45 Oreg. 116, 74 Pac. 491; *Austin First Nat. Bank* v. *Sharpe,* 12 Tex. Civ. App. 223, 33 S. W. 676. But see contra, *Roche* v. *Washington,* 19 Ind. 53, 81 Am. Dec. 376; *State* v. *Ta-cha-na-ta,* 64 N. C. 614.